

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Brian J. Brown, Michael L. Davis
Application No.:	09/934178
Filed:	August 21, 2001
For:	Improved Longitudinally Flexible Expandable Stent
Examiner:	Paul Prebilic
Group Art Unit:	3738

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Docket No.: S63.2N-5605-US05

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Listed below or on an attached form listing the cited references and/or a copy of a PTO-892 form is information known to applicant(s). A copy of each listed foreign patent and each listed publication other than U.S. patents and U.S. patent application publications is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98, *except that* U.S. patents and U.S. published applications from which priority is claimed under 35 U.S.C. §120, and documents cited in such priority applications, may be omitted from the enclosures pursuant to 37 C.F.R. 1.98(d). Applicant's submission of copies of unpublished U.S. applications does not constitute a waiver of the confidentiality of such applications. As such, **Applicant requests that any copies of unpublished US applications submitted herewith be excluded from the file wrapper pursuant to 37 C.F.R. §1.14.**

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If the form listing the cited references or PTO-892 from a prior application is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is prior art, or is or is considered to be, material to patentability as defined in §1.56.

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Second Supplemental Information Disclosure Statement
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Applications that are listed on the accompanying form listing the cited references as related by priority are related by priority claim under 35 USC §120. Pursuant to 37 CFR §1.98(d), no copies of cited art in a previous application(s) to which priority was claimed need be submitted. Applicant is providing copies of the form listing the cited references and/or 892 forms from these cases.

_____ I. This statement qualifies as a no-fee Information Disclosure Statement under 37 C.F.R. §1.97(b) or otherwise because to the knowledge of the undersigned attorney it is being filed (check all that apply):

- _____ (1) within 3 months of the filing date of the application (other than a CPA); or
- _____ (2) within 3 months of entry of the national stage; or
- _____ (3) before the mailing of a first Office Action on the merits;
- _____ (4) before the mailing of a first Office Action after the filing of a request for continued examination (RCE) under §1.114;
- _____ (5) as part of a continued prosecution application (CPA); or
- _____ (6) during the period of a suspension of action for a CPA under 37 C.F.R. §1.103(b).

 X II. This statement is believed to require a fee or the submission of a certification under 37 C.F.R. §1.97 (c) or otherwise. If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application (other than CPA); (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; (3) the mailing of a first Office Action on the merits; (4) the mailing of a first Office Action after the filing of a request for continued examination under §1.114; or (5) after the filing of a request for a continued prosecution application, but before the mailing date of the earlier of a final office action under §1.113, a notice of allowance under §1.311 or an action that otherwise closes prosecution in the application, then:

- _____ (1) a certification as specified in §1.97(e) is provided below; or
- X (2) a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

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____ **III. 37 C.F.R. §1.97(d).** If this statement is being filed after the mailing date of the earlier of a final office action under §1.113, a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, but before payment of the issue fee, then:

- ____ (1) a certification as specified in §1.97(e) is completed below; and
____ (2) a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with payment of other papers filed together with this statement.

X **IV. Fee Authorization.** If any fee is due for consideration of this Information Disclosure Statement and full payment has not been submitted herewith, regardless of which boxes have been checked above, the Commissioner is hereby authorized to charge any additional fees associated with this communication to Deposit Account No. 22-0350. The Commissioner is hereby authorized to credit any overpayment associated with this communication to Deposit Account No. 22-0350.

If paragraph II.1 or III is checked, also check one of the paragraphs below

____ I hereby certify, under 37 CFR §1.97(e)(1), that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the date of the filing of this information disclosure statement.

____ This communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

____ I hereby certify, under 37 CFR §1.97(e)(2), that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

For the purpose of this certification, Applicant considers the PCT International Search Authority to constitute a foreign patent office.

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If this Second Supplemental Information Disclosure Statement has been submitted without the appropriate box checked, Applicant requests that this Second Supplemental Information Disclosure Statement be considered nevertheless if it is timely submitted under any of the provisions of 37 C.F.R. §1.97 or otherwise. Finally, if any petition is necessary to ensure consideration of this Second Supplemental Information Disclosure Statement, Applicant requests that this be treated as such a petition.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: December 14, 2004

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LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)				ATTY DOCKET NO.: S63.2N-5605-US05		APPLICATION NO.: 09/934178	
				APPLICANT: Brian J. Brown, Michael L. Davis			
				FILING DATE: August 21, 2001		GROUP: 3738	
REFERENCE DESIGNATION				U.S. PATENT AND PUBLISHED APPLICATION DOCUMENTS			
EXAM'S INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE IF APPROPRIATE	
	AA	4,665,906	5/19/87	Jervis	128/92		
	AB	4,768,507	9/6/88	Fischell et al.	128/303R		
	AC	5,071,407	12/10/91	Termin et al.	604/104		
	AD	5,089,005	2/18/92	Harada	606/194		
	AE	5,356,423	10/18/94	Tihon et al.	606/194		
	AF	5,389,106	2/14/95	Tower	606/198		
	AG	5,554,181	9/10/96	Das	623/1		
	AH	5,591,197	1/7/97	Orth et al.	606/198		
	AI	5,630,829	5/20/97	Lauterjung	606/198		
	AJ	5,643,312	7/1/97	Fischell et al.	606/198		
	AK	5,653,727	8/5/97	Wiktor	606/195		
	AL	5,697,971	12/16/97	Fischell et al.	623/1		
	AM	5,707,386	1/13/98	Schnepp-Pesch et al.	606/194		
	AN	5,716,365	2/10/98	Goicoechea et al.	606/108		
	AO	5,716,393	2/10/98	Lindenberg et al.	623/1		
	AP	5,718,724	2/17/98	Goicoechea et al.	623/1		
	AQ	5,725,572	3/10/98	Lam et al.	623/1		
	AR	5,735,893	4/7/98	Lau et al.	623/1		
	AS	5,755,781	5/26/98	Jayaraman	623/1		
	AT	5,776,161	7/7/98	Globerman	606/194		
	AU	5,776,180	7/7/98	Goicoechea et al.	623/1		
OTHER ART (Including Author, Title, Date, Pertinent Pages, Ect.)							
	CA	Starck, B, "First Clinical Experience with the Memotherm Vascular Stent, <i>STENTS State of the Art Future Developments</i> , pages 59-62 (June 1995).					
	CB	Melzer, A. et al., "Performance Improvement of Surgical Instrumentation Through the Use of Ni-Ti Materials, <i>Proceedings of SMST-94 The First International Conference on Shape Memory and Superelastic Technologies</i> , pages 401-409 (March 7-10, 1994).					
EXAMINER				DATE CONSIDERED			
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

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	AA	5,776,183	7/7/98	Kanesaka et al.	623/1		
	AB	5,800,508	9/1/98	Goicoechea et al.	623/1		
	AC	5,800,521	9/1/98	Orth	623/1		
	AD	5,855,600	1/5/99	Alt	623/1		
	AE	5,860,999	1/19/99	Schnepp-Pesch et al.	606/194		
	AF	5,876,432	3/2/99	Lau et al.	623/1		
	AG	5,902,317	5/11/99	Kleshinski et al.	606/198		
	AH	5,913,895	6/22/99	Burpee et al.	623/1		
	AI	5,916,263	6/29/99	Goicoechea et al.	623/1		
	AJ	5,922,021	7/13/99	Jang	623/1		
	AK	5,935,161	8/10/99	Robinson et al.	623/1		
	AL	5,938,696	8/17/99	Goicoechea et al.	623/1		
	AM	5,972,018	10/26/99	Israel et al.	606/198		
	AN	6,051,020	4/18/00	Goicoechea et al.	623/1		
	AO	6,090,127	7/18/00	Globerman	606/194		
	AP	6,129,755	10/10/00	Mathis et al.	623/1.15		
	AQ	6,156,052	12/5/00	Richter et al.	606/191		
	AR	6,273,911	8/14/01	Cox et al.	623/1.15		
	AS	6,451,052	9/17/02	Burmeister et al.	623/1.16		
	AT	6,464,722	10/15/02	Israel et al.	623/1.17		
	AU	6,468,302	10/22/02	Cox et al.	623/1.15		
	AV	6,582,461	6/24/03	Burmeister et al.	623/1.18		
	AW	6,596,022	7/22/03	Lau et al.	623/1.16		
	AX						
	AY						
	AZ						
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